

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85455841
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
Applicant submits that Dawn J. Bennett consents to the use and registration of the DJ BENNETT name as part of the trademark.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_65246216100-110704038_.sent_of_Record_for_DJ_BENNETT_Ser_No_85_455_841_-_signed.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\854\558\85455841\xml4\RFR0002.JPG</a>
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
On-line retail store services featuring a wide variety of consumer goods; On-line retail store services featuring a wide variety of consumer goods of others; online retail store services featuring dresses, jeans, boots, footwear, shirts; headwear; related goods	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>TRACKED TEXT DESCRIPTION</b>	
<del>On-line retail store services featuring a wide variety of consumer goods</del> ; On-line retail store services featuring a wide variety of consumer goods of others; <a href="#">on-line retail store services featuring dresses,</a>	

jeans, boots, footwear, shirts, headwear, and related goods, namely, fishing equipment such as poles and nets, hiking equipment such as tents and binoculars, skiing equipment such as helmets, skis and poles, sunglasses and goggles, tennis rackets and balls, watches, walking sticks, bags and tools; ~~online retail store services featuring dresses, jeans, boots, footwear, shirts, headwear, related goods~~

#### FINAL DESCRIPTION

On-line retail store services featuring a wide variety of consumer goods of others; on-line retail store services featuring dresses, jeans, boots, footwear, shirts, headwear, and related goods, namely, fishing equipment such as poles and nets, hiking equipment such as tents and binoculars, skiing equipment such as helmets, skis and poles, sunglasses and goggles, tennis rackets and balls, watches, walking sticks, bags and tools

#### FILING BASIS

Section 1(b)

#### SIGNATURE SECTION

##### RESPONSE SIGNATURE

/Jonathan D. Reichman/

##### SIGNATORY'S NAME

Jonathan D. Reichman, Esq.

##### SIGNATORY'S POSITION

Attorney of Record, New York Bar Member

##### SIGNATORY'S PHONE NUMBER

212-425-7200

##### DATE SIGNED

09/17/2012

##### AUTHORIZED SIGNATORY

YES

##### CONCURRENT APPEAL NOTICE FILED

YES

#### FILING INFORMATION SECTION

##### SUBMIT DATE

Mon Sep 17 12:22:27 EDT 2012

##### TEAS STAMP

USPTO/RFR-65.246.216.100-  
20120917122227379727-8545  
5841-490ad6bbe970e4744735  
58775c75439ea3-N/A-N/A-20  
120917121940720704

## Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85455841** has been amended as follows:

## ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

Applicant submits that Dawn J. Bennett consents to the use and registration of the DJ BENNETT name as part of the trademark.

## EVIDENCE

**Original PDF file:**

[evi\\_65246216100-110704038\\_.sent\\_of\\_Record\\_for\\_DJ\\_BENNETT\\_Ser.No.85\\_455\\_841\\_-\\_signed.pdf](#)

**Converted PDF file(s)** (1 page)

[Evidence-1](#)

## CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 035 for On-line retail store services featuring a wide variety of consumer goods; On-line retail store services featuring a wide variety of consumer goods of others; online retail store services featuring dresses, jeans, boots, footwear, shirts; headwear; related goods

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:**

**Tracked Text Description:** ~~On-line retail store services featuring a wide variety of consumer goods;~~ On-line retail store services featuring a wide variety of consumer goods of others; [on-line retail store services featuring dresses, jeans, boots, footwear, shirts, headwear, and related goods, namely, fishing equipment such as poles and nets, hiking equipment such as tents and binoculars, skiing equipment such as helmets, skis and poles, sunglasses and goggles, tennis rackets and balls, watches, walking sticks, bags and tools;](#) ~~online retail store services featuring dresses, jeans, boots, footwear, shirts; headwear; related goods~~

Class 035 for On-line retail store services featuring a wide variety of consumer goods of others; on-line retail store services featuring dresses, jeans, boots, footwear, shirts, headwear, and related goods, namely, fishing equipment such as poles and nets, hiking equipment such as tents and binoculars, skiing equipment such as helmets, skis and poles, sunglasses and goggles, tennis rackets and balls, watches, walking sticks, bags and tools

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

## SIGNATURE(S)

**Request for Reconsideration Signature**

Signature: /Jonathan D. Reichman/ Date: 09/17/2012

Signatory's Name: Jonathan D. Reichman, Esq.

Signatory's Position: Attorney of Record, New York Bar Member

Signatory's Phone Number: 212-425-7200

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85455841

Internet Transmission Date: Mon Sep 17 12:22:27 EDT 2012

TEAS Stamp: USPTO/RFR-65.246.216.100-201209171222273

79727-85455841-490ad6bbe970e474473558775

c75439ea3-N/A-N/A-20120917121940720704

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant** : **DJB Holding LLC**  
**Mark** : **DJ BENNETT**  
**Appln. No.** : **85/455,841**  
**Class** : **35**  
**Filing Date** : **October 25, 2011**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**CONSENT OF RECORD**

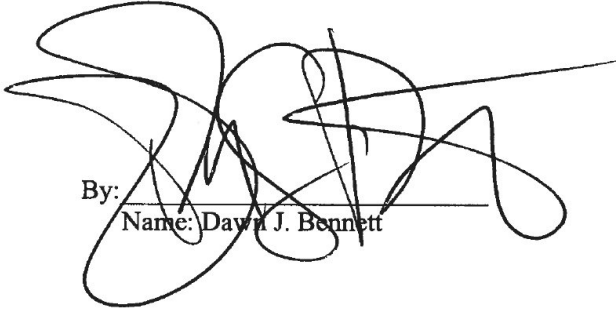
SIR:

Dawn J. Bennett hereby consents to the use and registration in the United States Patent and Trademark Office of her name as part of the captioned trademark and/or service mark.

Dated: 9/14, 2012

By:

Name: Dawn J. Bennett

A large, stylized handwritten signature in black ink, appearing to read 'DJB', is written over the printed name 'Dawn J. Bennett'.